

Atty Docket No.: TKHR4580

Serial No.: 09/479,483

REMARKS**Present Status of the Application**

Claims 1-5 and 18-22 remain pending of which claims 1 and 18 have been amended to describe more explicitly and more clearly the claimed invention. Further, Applicants have amended the specification. For at least the following reasons, Applicants respectfully submit that claims 1-5 and 18-22 are in proper condition for allowance. Reconsideration is respectfully requested.

Response to Rejections under 35 U. S. C. 112

The Office Action rejected claims 1-5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In rejecting the above claims the Office Action indicated that in claims 1 and 18, the recitation of "serving as first pad spacers" is directed to using the device resulting from the method purported to be claimed by the preamble. It is as a result unclear whether a process of making a device or a process of using a device is recited.

In response thereto, Applicants have amended claims 1 and 18 to clearly recite a process of making a device. After entry of the above amendments to claims 1 and 18, it is believed that the above rejections can be overcome. Reconsideration is respectfully requested.

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The Office Action rejected claims 1-5 under 35 U.S.C. 101 because they improperly embrace or overlap two different statutory classes of invention, namely, method of making a device and process of using an apparatus.

Applicants respectfully submit that the amendment made to claims 1 and 18 to positively recite a process of making a device should overcome the above rejections. Reconsideration is respectfully requested.

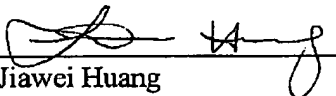
CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-5 and 18-22 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**In The Claims:**

Claims 1 and 18 have been amended as follows:

1. (Amended) A fabrication method for a multi-layered thin film protective layer, which is applicable to a substrate comprising a first device area and a second device area, the method comprising the steps of:

forming a first protective layer on the first device area, wherein the first protective layer prevents the first device area from moisture and scratch;

forming a plurality of material structures on the first protective layer, the material structures and the underlying first protective layer [serving] together formed as first pad spacers;

forming a plurality of oxide material/silicon nitride/oxide material structures on the second device area [serving] as second pad spacers in the second device area, wherein the second pad spacers are higher than the first protective layer; and

forming a second protective layer for at least covering the second device area, wherein a transparency of the second protective layer is higher than a transparency of the first protective layer.

18. (New) A fabrication method for a multi-layered thin film protective layer, which is applicable to a substrate comprising a first device area and a second device area, the method comprising the steps of:

forming a first protective layer on the first device area, wherein the first protective layer prevents the first device area from moisture [penetration] and scratch[ing];

forming a plurality of material structures on the first protective layer, the material structures and the underlying first protective layer [serving] together formed as first pad spacers;

forming a plurality of multi-layered material structures on the second device area [serving] as second pad spacers in the second device area, wherein the second pad spacers are higher than the first protective layer; and

forming a second protective layer at least covering the second device area, wherein a transparency of the second protective layer is higher than a transparency of the first protective layer.